

SUPPORT FOR THE AMENDMENT

Support for the amendment to claim 1 is found on page 4, lines 6-9 of the specification. Support for claim 5 is found beginning on page 8, line 17 through page 9, line 15 of the specification. Support for claim 6 is found on page 9, lines 16-22 of the specification. Support for claim 7 is found on page 10, lines 1-12 of the specification. Support for claim 8 is found on page 13, lines 12-18 of the specification. Support for claim 9 is found on page 13, lines 19-21 of the specification. Support for claim 10 is found on page 14, lines 2-15 of the specification. Support for claim 11 is found on page 14, lines 15-18 of the specification. Support for claim 12 is found on page 14, lines 19-22 of the specification. Support for claim 13 is found on page 15, lines 6-9 of the specification. Support for claim 14 is found on page 15, lines 15-19 of the specification. Support for claim 15 is found on page 15, lines 24-25 of the specification. Support for claim 16 is found in claim 1 as originally presented. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1-16 will now be active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a hair cosmetic composition.

Applicant wishes to thank examiner Venkat for the helpful and courteous discussion held with their U.S. representative on March 5, 2007. At the time, applicant's U.S. representative argued the non-obviousness of an amount of higher alcohol and/or fatty acid of only 0.1-20 wt.% as the cited art only describes these other fatty acids as a base for cosmetic compositions, amounts which would exceed 20 wt.%. The following is intended to expand upon the discussion with the examiner.

Physical and chemical damage can occur to hair such that compositions which provide a good feeling to the hair such as moisturizing and silkiness are sought.

The claimed invention addresses this problem by providing a hair cosmetic composition comprising 0.1-20 wt.% of the higher alcohol or fatty acid and a diamide compound. Applicant has discovered that a combination of higher alcohol and/or fatty acid with diamide compound to provide for an effective hair cosmetic composition. Such a hair cosmetic composition is nowhere disclosed or suggested in the cited prior art.

The rejection of claims 1 and 2 under 35 U.S.C. §103 over Hoshino et al., U.S. 6,685,953 is respectfully traversed.

Hoshino et al. fail to disclose or suggest the claimed hair cosmetic composition comprising only 0.1-20 wt.% of a higher alcohol or fatty acid.

Hoshino et al. describe a dermatological preparation comprising a diamide compound. The reference describes the preparation of dermatological preparations such as ointments (column 7, lines 15-20) which may contain either an oily base or an o/w or w/o emulsion base. Suitable oily bases are described as including vegetable oils, animal oils, synthetic oils, fatty acids and natural and synthetic glycerides. While the reference describes no particular limitation on the content of diamide derivatives, in the case of dermatological preparations, the amount of diamide would not exceed 50 wt.% and preferably would be only 0.1-20 wt.% (column 7, lines 45-57). The reference describes a diamide composition which could contain no more than 50 wt.% of active ingredient and accordingly at least about 50% of oily base. Thus, the reference teaches an amount of oily base of at least 50 wt.%, preferably at least 80 wt.%. An amount of oily base of only 0.1-20 wt.% is nowhere disclosed or suggested.

In contrast, the claimed invention is directed to a hair cosmetic composition comprising only 0.1-20 wt.% of a higher alcohol or a fatty acid. Applicant notes the claims have been amended to recite an amount of 0.1-20 wt.% of higher alcohol or fatty acid. As the prior art reference fails to disclose or suggest an amount of only 0.1-20 wt.% of fatty acid, the

claimed invention is clearly not obvious from this reference and accordingly withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Claim 16

This embodiment of the claimed invention is directed to a hair cosmetic composition comprising diamide compound and a higher alcohol.

Hoshino et al. was merely cited for a disclosure of a fatty acid in conjunction with a diamide compound as claimed. There is no disclosure of a higher alcohol.

In contrast, claim 16 is directed to a hair cosmetic composition comprising the combination of diamide compound and a higher alcohol. As the cited reference fails to disclose or suggest the claim element of a higher alcohol in a hair cosmetic composition, the claimed invention is clearly neither anticipated nor rendered obvious from this reference.

The provisional rejection of claims 1-4 under the grounds of non-statutory obviousness-type double patenting or claims 1-2 of co-pending application 10/417,114 is respectfully traversed.

US '114 fails to claim a higher alcohol or fatty acid component. Claims 1 and 2 of US '114 claim a diamide and either a hair dye or an oxidizing agent, neither of which are a higher alcohol or fatty acid. Accordingly, the provisional rejection is believed to be improper and should be withdrawn.

The provisional rejection of claims 1-4 on the ground of non-statutory obviousness-type double patenting over claim 1 of co-pending application 10/418,112 is respectfully traversed.

US '112 Fails to claim a higher alcohol or fatty acid. Claim 1 of US '112 claims a diamide and a reducing agent or an oxidizing agent, none of which are a higher alcohol or a

fatty acid. Accordingly, the provisional rejection is believed to be improper and should be withdrawn.

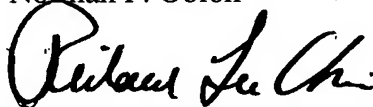
The provisional rejection of claims 1-4 under the grounds of non-statutory obviousness-type double patenting over claims 1-3 of copending application US 10/694,774 is respectfully traversed.

Claims 1 and 2 of US '774 fails to claim a higher alcohol or fatty acid. Claims 1 and 2 recite components of a film-forming polymer and a diamide compound, neither of which are a higher alcohol or fatty acid as claimed. Accordingly the provisional rejection is believed to be improper and should be withdrawn.

Applicant submits that this application is now in condition for allowance and early notification of such action is earnestly solicited,

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Richard L. Chinn, Ph.D.
Attorney of Record
Registration No. 34,305

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)